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Attorneys for Defendant

GOOGLE LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ANIBAL RODRIGUEZ, et al. individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

Case No. 3:20-CV-04688-RS

**DECLARATION OF EDUARDO E.
SANTACANA IN SUPPORT OF
DEFENDANT GOOGLE LLC'S
OPPOSITION TO PLAINTIFFS' MOTION
FOR RELIEF FROM CASE
MANAGEMENT SCHEDULE**

Judge: Hon. Richard Seeborg

Date: December. 1, 2022

Time: 1:30 p.m.

Place: Courtroom 3 - 17th Floor

Trial Date: Not Yet Set

1 I, Eduardo E. Santacana, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California. I am a partner
3 with the law firm of Willkie Farr & Gallagher LLP, counsel of record for Google LLC (“Google”)
4 in the above-captioned matter. Unless otherwise stated, the facts I set forth in this declaration are
5 based on my personal knowledge. If called to testify as a witness, I could and would testify
6 competently to such facts under oath.

7 2. I submit this declaration in support of Google’s Opposition to Plaintiffs’ Motion for
8 Relief From Case Management Schedule.

9 3. Attached hereto as **Exhibit 1** is a true and correct copy of an e-mail thread among
10 several individuals including Plaintiffs’ counsel Mark Mao and James Lee, and named Plaintiff
11 Sal Cataldo.

12 4. Google substantially completed its production of the documents called for by Judge
13 Tse’s Order on the nineteen additional custodians’ search terms, Dkt. 238, on July 28, 2022.

14 5. Google produced thousands of public documents that Plaintiffs sought early in this
15 litigation. In addition, Google produced approximately 30,000 non-public documents (almost all
16 of which are custodial): Google produced 10,000 by March 2022, another 8,000 in May 2022, and
17 another 10,000 in July 2022. The documents produced in July reflect Google’s compliance with
18 Judge Tse’s Order on the nineteen custodians’ search terms issued fewer than 90 days earlier.
19 Finally, since July 2022, Google has produced another 1,384 documents.

20 6. To address Plaintiffs’ concern that corporate designee Steve Ganem was given too
21 many topics to testify about, which may necessitate multiple days of testimony, Google switched
22 some of Mr. Ganem’s topics to a different Google employee, Belinda Langner. Even still,
23 Mr. Ganem ultimately testified for just over ten hours and twenty minutes on the record.

24 7. Google offered a deposition of Ms. Langner as a corporate designee on financial
25 topics for October 26, but Plaintiffs refused to take the deposition, arguing that they were entitled
26 to Ms. Langner’s custodial documents even though she is not a percipient witness. Taking
27 Ms. Langner as a percipient witness would have exceeded the ten-deposition limit, and Plaintiffs
28 did not request her deposition in her personal capacity. Ms. Langner’s assigned topics were

1 financial in nature, such as explaining the Profit & Loss statements Google produced. In the
2 interest of compromise, however, Google agreed, at Plaintiffs' request, to delay Ms. Langner's
3 deposition three weeks and produce a very limited set of documents from her files using narrow
4 search terms. Google made that production on November 1. Ms. Langner's deposition is
5 scheduled for November 30, 2022.

6 I declare under penalty of perjury that the foregoing is true and accurate. Executed on
7 November 10, 2022 in San Francisco, CA.

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9 /s/ Eduardo E. Santacana
10 Eduardo E. Santacana
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